

CRUZ CASTILLO

Petitioner,)	Case No. 1:04cv1193
)	
-vs-)	<u>O R D E R</u>
)	
JOHN ASHCROFT)	
)	Judge Christopher A. Boyko
Respondent.)	
)	
)	

On 06/24/2004 , Petitioner filed a *pro se* Petition for Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2254 (Dkt. # 1). The case was referred to Magistrate Judge William H. Baughman, Jr. pursuant to Local Rule 72.2 (Dkt. # 15). On 03/07/2007, the Magistrate Judge recommended that Petitioner's application for habeas corpus be transferred to the Court of Appeals (Dkt. # 19).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, Magistrate Judge Baughman's report and recommendation is **ADOPTED** and Petitioner's Writ of *Habeas Corpus* (Dkt. #) is **TRANSFERRED TO THE COURT OF APPEALS**.

Furthermore, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated:03/21/2007

FILED

MAR 21 2007

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND

Christopher A. Boyko

CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE